

Congress of the United States
Washington, DC 20515

January 12, 2023

The Honorable Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2801 Nebraska Avenue NW
Washington, DC 20528

Dear Secretary Mayorkas,

We are concerned by the Biden Administration's abrupt and seemingly arbitrary changes to immigration policy, and their ramifications for Cuban, Haitian, Nicaraguan, and Venezuelan nationals seeking U.S. entry. Accordingly, within all applicable rules and regulations, we request information on the anticipated effects of these changes, the manner of their implementation, and the public policy rationale for the changes.

First, the White House "Fact Sheet: Biden-Harris Administration Announces New Border Enforcement Actions" of January 5, 2023 (hereinafter, "Fact Sheet") states that, "up to 30,000 individuals per month from these four countries [Cuba, Haiti, Nicaragua, and Venezuela], who have an eligible sponsor and pass vetting and background checks, can come to the United States for a period of two years and receive work authorization." The "up to 30,000" cap raises many questions:

- Why did the administration impose the arbitrary cap of up to 30,000? How did it arrive at that number?
- How will this cap be implemented?
- Will the up to 30,000 be divided evenly among nationals from the four countries?
- If the up to 30,000 is not divided evenly, how will it be apportioned between the four nationalities?
- Why are only Cubans, Haitians, Nicaraguans, and Venezuelans subject to a cap?
- Once the monthly cap is achieved, how will the rest of those arriving from Cuba, Haiti, Nicaragua, and Venezuela be addressed? Will this encourage them to stay at the border until the next month?
- Will the number of Cuban and Haitian nationals intercepted at sea be considered part of this cap?
- Will there be any new policy implications for Cuban and Haitian nationals intercepted at sea following this announcement?

This section also states that those who pass vetting and background checks can enter the U.S. for two years with work authorization.

- How long will the vetting and background checks take?
- Will these prospective entrants be detained while they await the vetting and background check process?

- How will the administration appropriately vet these individuals, when many will not have accurate documents, or whose documentation may have been destroyed?
- How will the administration address the current backlog regarding work authorizations for those already in process?
- Will these new opportunities for work authorizations take priority over those already in process?
- Is this benefit available to individuals who received protection benefits in other countries?

Additionally, the Fact Sheet states that, “Individuals who irregularly cross the Panama, Mexico, or U.S. border after the date of this announcement will be ineligible for the parole process and will be subject to expulsion to Mexico, which will accept returns of 30,000 individuals per month from these four countries who fail to use these new pathways.”

- How does the administration determine whether someone entered “irregularly” under this pronouncement?
- What is the administration’s understanding with Mexico as to how those subject to expulsion will be processed in Mexico?
- What will happen to those individuals who are subject to expulsion once the 30,000 monthly expulsion cap to Mexico has been reached?
- Has Mexico refused to take more than 30,000 expelled individuals?
- Will those who “irregularly” crossed, once the 30,000 expulsion cap is reached, be detained in the United States, or expelled to a third country?

These changes to U.S. immigration policy raise numerous concerns and unanswered questions regarding the ramifications for those seeking U.S. entry from Cuba, Haiti, Nicaragua, and Venezuela, as well as our national security.

Thank you for your attention to this matter of utmost importance.

Sincerely,



Mario Diaz-Balart
Member of Congress



Maria Elvira Salazar
Member of Congress



Carlos A. Gimenez
Member of Congress